

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

J.L. SPOONS, INC., et al.,	)	
	)	Case Nos. 1:98-CV-02857
Plaintiffs,	)	1:04-CV-00314
	)	
v.	)	Judge Ann Aldrich
	)	
KENNETH MORCKEL, et al.,	)	
	)	
Defendants.	)	
	)	<u>MEMORANDUM AND ORDER</u>
	)	

Before the court is plaintiffs' motion for an award of attorneys' fees and costs [Docket No. 46], pursuant to Federal Rule of Civil Procedure 54(d)(2) and 42 U.S.C. § 1988(b) as the prevailing party in this matter. On January 3, 2007, the court entered final judgment in the plaintiffs' favor and granted permanent injunctive relief concerning the enforcement of portions of Ohio Administrative Code § 4301:1-1-52 ("Rule 52"). Plaintiffs filed the instant motion on January 16, 2007, and a brief supporting the specific fee award on February 16, 2007. Defendants have not responded either to the motion or to the brief, so the court shall rule on this unopposed motion. N.D. Ohio Civ. R. 7.1(g).

Title 42 U.S.C. § 1988(b) permits the court, in its discretion to "allow the prevailing party . . . a reasonable attorney's fee as part of the costs" for prevailing in an action under 42 U.S.C. § 1983. As the instant action is an action under Section 1983, and as the plaintiffs did prevail, obtaining all of the relief they had sought, the court shall grant the motion and award attorneys' fees along with costs. *Adcock-Ladd v. Secretary of Treasury*, 227 F.3d 343, 349-50 (6th Cir. 2001). The

court shall award the “lodestar fee”, the hours reasonably expended multiplied by a reasonable hourly rate. *Id.* at 349 (citation omitted).

After reviewing the declarations of plaintiffs’ counsel, their attached time records, and the declaration of Mr. Chenette, the court finds that all of the time actually spent by Mr. Murray, Mr. Shafron and Mr. Vasvari on this matter was time reasonably expended. The court further finds that the hourly rates actually charged by Mr. Murray, Mr. Shafron and Mr. Vasvari are reasonable rates for the relevant community for the work performed.

The court grants the motion for attorneys’ fees and costs [Docket No. 46] and awards plaintiffs \$51,282.50 in attorneys’ fees pursuant to 42 U.S.C. § 1988(b) and Federal Rule of Civil Procedure 54(d)(2), as well as \$150.00 in costs, for a total award of \$51,432.50.

Defendants are directed to pay the awarded fees and costs to plaintiffs no later than April 13, 2007.

IT IS SO ORDERED.

/s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

**Dated: March 22, 2007**